

Before the  
Administrative Hearing Commission  
State of Missouri

00410



STATE COMMITTEE OF PSYCHOLOGISTS,

Petitioner,

vs.

FLOYD RIEBOLD,

Respondent.

No. 98-001643 PS

**CONSENT ORDER**

The licensing authority filed a complaint. Section 621.045, RSMo Supp. 1998, gives us jurisdiction.

On March 10, 1999, the parties filed a "Joint Stipulation of Facts, Waiver of Hearing Before the Administrative Hearing Commission and State Committee of Psychologists and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law." Our review of the document shows that the parties have stipulated to certain facts and waived their right to a hearing before us. Because the parties have agreed to these facts, we incorporate them into this order and adopt them as stipulated. *Buckner v. Buckner*, 912 S. W.2d 65, 70 (Mo. App., W.D. 1995). We conclude that the licensee is subject to discipline under section 337.035.2(5) and (13), RSMo 1994. We incorporate the parties' proposed findings of fact and conclusions of law into this Consent Order under Regulation 1 CSR 15-2.450(1)(B). We certify the record to the licensing agency under section 621.110, RSMo 1994.

No statute authorizes us to determine whether the agency has complied with the provisions of section 621.045.3. This is consistent with the holding that we have no role in superintending agency compliance with statutory procedures. *Missouri Health Facilities Review Comm. v. Administrative Hearing Comm'n*, 700 S.W.2d 445, 450 (Mo. banc 1985). Therefore, we do not determine whether the agency complied.

SO ORDERED on March 15, 1999.

  
SHARON M. BUSCH  
Commissioner

BEFORE THE  
ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI

**FILED**

MAR 10 1999

ADMINISTRATIVE HEARING  
COMMISSION

STATE COMMITTEE OF PSYCHOLOGISTS, )

Petitioner, )

v. )

FLOYD RIEBOLD, )

Respondent. )

No. 98-001643PS

JOINT STIPULATION OF FACTS, WAIVER OF HEARING  
BEFORE THE ADMINISTRATIVE HEARING COMMISSION AND  
STATE COMMITTEE OF PSYCHOLOGISTS AND CONSENT ORDER  
WITH JOINT PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Pursuant to the rules governing practice and procedure before the Administrative Hearing Commission (1 CSR 15-2.450(1)) and pursuant to the terms of § 536.060, RSMo 1994, as it is made applicable to the Administrative Hearing Commission by § 621.135, RSMo 1994, the parties waive the right to a hearing of the above-styled case by the Administrative Hearing Commission of the State of Missouri and, additionally, the right to a disciplinary hearing before the State Committee of Psychologists under § 621.135, RSMo 1994, and jointly stipulate to the facts and consent to the imposition of disciplinary action against the psychologist license of Respondent for violations of statutes set forth below. The State Committee of Psychologists and Respondent agree that these factual admissions pertain only to this proceeding and are not admissible in any other proceedings, judicial or otherwise, regarding Respondent.

Respondent acknowledges that he has received and reviewed a copy of the Complaint filed by the State Committee of Psychologists in this case and the parties submit to the jurisdiction of the Administrative Hearing Commission.

The Respondent acknowledges that he is aware of the various rights and privileges afforded him by law, including the right to appear and be represented by counsel; the right to have a copy of the complaint served upon him by the Administrative Hearing Commission prior to the entering of its order; the right to have all charges against Respondent proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against Respondent; the right to present evidence on Respondent's own behalf at the hearing; the right to a decision upon the record of the hearing by a fair and impartial administrative hearing commissioner concerning the complaint pending against Respondent; and the right to a ruling on questions of law by an administrative hearing commissioner. Being aware of these rights provided the Respondent by operation of law, the Respondent, Floyd Riebold, knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation of Facts, Waiver of Hearing Before the Administrative Hearing Commission and State Committee of Psychologists and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law and agrees to abide by the terms of this document as they pertain to Respondent.

I

Based upon the foregoing, the Petitioner and the Respondent jointly stipulate to the following and request that the Administrative Hearing Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law as the Administrative Hearing Commission's Findings of Fact and Conclusions of Law:

JOINT PROPOSED FINDINGS OF FACT

1. The State Committee of Psychologists (the "Committee") is an agency of the state of Missouri created and established pursuant to § 337.050, RSMo 1994, for the purpose of executing and enforcing the provisions of Chapter 337, RSMo.
2. Floyd Riebold (the "Respondent") is licensed by the Committee as a psychologist, License No. PY00410. The Respondent's Missouri license was at all times relevant herein current and active but is now inactive.
3. On or about December 23, 1986 until on or about January 1988, BC saw Respondent for therapy.
4. During the course of therapy, Respondent occasionally saw BC on a social basis. After therapy ended in January 1988, Respondent continued to occasionally see BC on a social basis until 1994.
5. During therapy sessions, BC saw Respondent in his office and also in BC's parents' home.
6. Respondent had no therapeutic reason to see BC on a social basis and had no documented therapeutic reason to see BC in her parents' home during therapy.

7. Respondent's objectivity and competency as a psychologist was or could have been expected to be impaired because of his social relationship with the client.

8. Respondent mismanaged BC's therapy.

9. Respondent had a dual relationship with BC.

10. Respondent did not terminate the professional relationship with BC in an appropriate manner.

11. 4 CSR 235-5.030, the ethical rules of conduct for psychologists, states in pertinent part:

(1) General Principles.

(A) Purpose. The ethical rules of conduct constitute the standards against which the required professional conduct of a psychologist is measured.

(B) Scope. The psychologist shall be governed by these ethical rules of conduct whenever providing psychological services in any context. . . .

(C) Responsibility for Own Actions. The psychologist, when functioning as a licensed psychologist, shall be fully responsible for his/her own professional decisions and professional actions.

(D) Violations. A violation of these ethical rules of conduct constitutes unprofessional conduct and is sufficient reason for disciplinary action or denial of either original licensure, reinstatement or renewal of licensure.

. . .

(4) Impaired Objectivity and Dual Relationships.

. . .

(B) Dual Relationship Affecting Psychologist's Judgment. The psychologist shall not undertake or continue a professional relationship with a client when the objectivity or competency of the psychologist is or could reasonably be expected to be impaired because of the psychologist's present or previous familial, social, sexual, emotional, . . . relationship with the client. . . . If that dual relationship develops or is discovered after the professional relationship has been initiated, the psychologist shall terminate the professional relationship in an appropriate manner, shall notify the client in writing of this termination and shall assist the client in obtaining services from another professional.

#### JOINT PROPOSED CONCLUSIONS OF LAW

12. Respondent's conduct as set forth herein violates the ethical standards for psychologists set forth above in 4 CSR 235-5.030(4)(B).

13. Respondent's conduct constitutes a general lack of disposition to use a professional ability.

14. Respondent violated a professional trust and confidence between him and his client that Respondent would not engage in a dual relationship with his client.

15. Cause exists for discipline against Respondent's psychologist license pursuant to § 337.035.2(5) and (13), RSMo 1994, which provide:

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes;

...

(5) Incompetency, . . . in the performance of the functions or duties of any profession licensed or regulated by this chapter;

....

(13) Violation of any professional trust or confidence.

## II

### DISCIPLINARY ORDER

16. In lieu of discipline and by agreement of the parties, Respondent, Floyd Riebold, voluntarily surrenders his license No. PY00410 and hereby indicates his intent that he will not reapply in the future for a license to practice psychology in Missouri.

17. Respondent shall submit all copies and originals of Licensee's psychologist license, wall hanging, and wallet certificate to the Committee within 14 days of the effective date of the agreement.

18. Respondent hereby waives and releases the Committee, its members and any of its employees, agents, or attorneys, including any former Committee members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to §536.087, RSMo, or any claim arising under 42 USC 1983, which may be based upon, arise out of, or relate to any of the matters raised in this litigation, or from the negotiation or execution of this joint stipulation. The parties acknowledge that this paragraph is severable from the remaining

claim arising under 42 USC 1983, which may be based upon, arise out of, or relate to any of the matters raised in this litigation, or from the negotiation or execution of this joint stipulation. The parties acknowledge that this paragraph is severable from the remaining portions of this joint stipulation in that it survives in perpetuity even in the event that any court of law deems this joint stipulation or any portion thereof void or unenforceable.

19. The parties to this Order understand that the State Committee of Psychologists will maintain this Order as an open record of the Committee as provided in Chapters 337, 610, and 620 RSMo.

RESPONDENT

Floyd Riebold 2-23-99  
Floyd Riebold, Ph.D. date

STATE COMMITTEE OF  
PSYCHOLOGISTS

Pamela Groose 3-4-99  
Pamela Groose date  
Executive Director

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